

Before the Board of Zoning Adjustment, D. C.

Application No. 12082, of Lincoln Park United Methodist Church, pursuant to Sub-section 8207.1 of the Zoning Regulations, for a variance from the parking requirements (Sub-section 7202.1) for one (1) off-street parking space for a private school with two (2) teachers, in the R-4 District at the premises 1306 East Capitol Street, N. E. (Square 1035, Lot 121).

HEARING DATE: March 17, 1976

DECISION DATE: March 23, 1976

FINDINGS OF FACT:

1. The property is located in an R-4 District.
2. There is a three (3) story plus basement brick townhouse located on the property. This structure was built in 1910, when no parking spaces were required or provided. The structure occupies the **entire** lot.
3. The Capitol Hill Montessori School proposes to operate a private pre-school on the property with a maximum of 20 students, one (1) teacher and one (1) aide.
4. A private school in the form of a kindergarten or serving a pre-school group is a use permitted as a matter-of-right in an R-4 District, provided there are no goods, chattel, wares or merchandise offered for sale and that there is 100 square feet of play area for each child in attendance on the same lot as the school.
5. There will be no goods, chattel, wares or merchandise offered for sale.
6. There are 2059 square feet of play space available to the school. There are approximately 1200 square feet of play space located outside in front of the building. This space is located in public space, outside of the property line. There are approximately 800 square feet of play space inside the building.
7. The Zoning Regulations require one parking space for this use.

8. The Municipal Planning Office, by report dated February 13, 1976, recommended that the Board approve the application.

9. The Capitol Hill Restoration Society recommended that the Board grant the application.

10. There was no opposition to the application.

CONCLUSIONS OF LAW:

The Board concludes that the requested variance is an area variance, the granting of which requires the showing of a practical difficulty. The Board concludes that since the building occupies the entire lot, such a practical difficulty does exist. The Board does conclude that the school intends to provide part of its play space in public space. The Board further concludes that the school should obtain official permission to use the public space for the required play space. It is therefore ordered that the application be GRANTED subject to the condition that the applicant obtain the necessary permission to use the public space in front of the building for play area for the school.

VOTE: 4-0 (Lilla Burt Cummings, Esq., Leonard L. McCants, Williams S. Harps, and William F. McIntosh to grant, Ruby B. McZier not voting, not having heard the case).

BY ORDER OF THE D. C. BOARD OF ZONING ADJUSTMENT

ATTESTED By: _____

STEVEN E. SHER

Acting Secretary to the Board

FINAL DATE OF ORDER: **APR 19 1976**

THIS ORDER SHALL BE VALID FOR A PERIOD OF SIX MONTHS ONLY UNLESS APPLICATION FOR A BUILDING AND/OR OCCUPANCY PERMIT IS FILED WITH THE DEPARTMENT OF HOUSING AND COMMUNITY DEVELOPMENT WITHIN A PERIOD OF SIX MONTHS AFTER THE EFFECTIVE DATE OF THIS ORDER.

Before the Board of Zoning Adjustment, D. C.

Application No. 12083, of Charles P. Ryland, pursuant to Sub-section 8207.1 of the Zoning Regulations, for a variance from the lot width requirement (Sub-section 3301.1) to permit the re-subdivision of two lots resulting in one lot not meeting the lot width requirements of the R-1-B District at the premises 4410 49th Street, N. W., (Square 1484, Lots 51 and 53).

HEARING DATE: February 18, 1976


DECISION DATE: February 18, 1976

ORDER:

All the Findings and Conclusions of the Order of the Board in the application, dated March 10, 1976 are hereby incorporated by reference. The proposed sub-division requests neither permission to erect or alter a structure nor use a structure or land. Thus, neither paragraphs 8207.11 nor 8207.12 are applicable to this application. The order of March 10, 1976 is therefore corrected by eliminating the last paragraph on the ~~bottom~~ of page 2 which reads as follows:

"THAT THE ORDER OF THE BOARD IS VALID FOR A PERIOD OF SIX MONTHS ONLY UNLESS APPLICATION FOR A BUILDING AND/OR OCCUPANCY PERMIT IS FILED WITH THE DEPARTMENT OF HOUSING AND COMMUNITY DEVELOPMENT WITHIN A PERIOD OF SIX MONTHS AFTER THE EFFECTIVE DATE OF THIS ORDER."

Before the Board of Zoning Adjustment, D. C.

ATTESTED By: 
STEVEN E. SHER
Acting Secretary to the Board

FINAL DATE OF ORDER: **MAR 10 1976**

Before the Board of Zoning Adjustment, D. C.

Application No. 12083 of Charles P. Ryland, Pursuant to sub-section 8207.1 of the Zoning Regulations, for variance from the lot width requirements (sub-section 3301.1) to permit the re-sub-division of two (2) lots resulting in one not meeting the lot width requirements of the R-1-B District, at the premises 4410-49th Street, N. W., Lots 51 & 53, Square 1484.

HEARING DATE: February 18, 1976

DECISION DATE: February 18, 1976 (from the Bench)

FINDINGS OF FACT:

1. The property is located in an R-1-B District.
2. The application requests a variance of 7.87 feet for Lot 51 from the lot width requirements of the R-1-B Zone. Grant of the application would result in a new property line between Lots 51 and 53, as shown by the evidence supporting this application submitted for the record. No change in type of use would result.
3. Strict application of the lot width regulations would result in such practical difficulty to the applicant whereby occupant of the premises on Lot 53 would be required to traverse part of Lot 51 in order to gain access to the driveway and garage located on Lot 53. Such practical difficulty is caused by the exceptional shape of Lot 53, which has a depth of only 18.5 feet along the alley.
4. Grant of this application would permit unrestricted access to the driveway and garage on Lot 53 and would moderate the exceptional shape of Lot 53 by providing a frontage in excess of 30 feet along the alley.
5. A letter supporting the applicant's request has been submitted for the record by the owner of Lot 54 which is adjacent to Lots 51 and 53. An appearance at the hearing in support of the application was made by one other resident property owner in the immediate neighborhood.
6. No opposition of any kind has been registered in reference to this application.

CONCLUSIONS OF LAW AND OPINION:

Based upon the above findings of fact and evidence in the record, the Board concludes that the applicant has proved the existence of a practical difficulty within the meaning of paragraph 8207.11 of the regulations. The Board is of the opinion that the grant of the application will alleviate the practical difficulty enunciated herein. The Board is further of the opinion that the granting of this application will not have an adverse affect upon adjacent or nearby property, will not be detrimental to the public good, and will not impair the meaning and intent of the Zoning Regulations.

ORDERED:

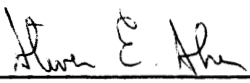
That the above application be GRANTED.

VOTE:

3-0 (Ruby B. McZier, Leonard L. McCants and William S. Harps to grant, Lilla Burt Cummings, Esq. and William F. McIntosh not present not voting)

BY ORDER OF THE D. C. BOARD OF ZONING ADJUSTMENT

ATTESTED By:


STEVEN E. SHER
Acting Secretary to the Board

FINAL DATE OF ORDER: MAR 10 1976

THAT THE ORDER OF THE BOARD IS VALID FOR A PERIOD OF SIX MONTHS ONLY UNLESS APPLICATION FOR A BUILDING AND/OR OCCUPANCY PERMIT IS FILED WITH THE DEPARTMENT OF HOUSING AND COMMUNITY DEVELOPMENT WITHIN A PERIOD OF SIX MONTHS AFTER THE EFFECTIVE DATE OF THIS ORDER.